



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

Paper No. 24

HELLER EHRMAN WHITE & MCAULIFFE
275 MIDDLEFIELD ROAD
MENLO PARK CA 94025-3506

COPY MAILED

JUN 14 2004

In re Application of	:	OFFICE OF PETITIONS
Vanessa Hsei et al	:	
Application No. 09/489,394	:	DECISION ON PETITION
Filed: January 21, 2000	:	UNDER 37 CFR 1.78(a)(3) AND
Attorney Docket No. P1085R6	:	UNDER 37 CFR 1.78(a)(6)

This is a decision on the petition under 37 CFR 1.78(a)(3) and 1.78(a)(6), filed November 10, 2003 and supplemented on May 3, 2004, to accept an unintentionally delayed claim under 35 U.S.C. § 120 § 119(e) for the benefit of the prior-filed nonprovisional and provisional applications set forth in the concurrently filed amendment.

The petition is **DISMISSED** as moot.

The instant application was filed on January 21, 2000. A petition under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. See MPEP Section 201.11 and 65 FR 57024 (Sept. 20, 2000). Therefore, the petition is dismissed as involving a moot issue.

In view of the above, the \$1,330 fee submitted for the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) is unnecessary and will be credited to Deposit Account No. 08-1641 as authorized.

Any inquiries concerning this decision may be directed to Karen Creasy at (703) 305-8859.

Application No. 09/489,394

-2-

The application is being forwarded to Technology Center Art Unit 1642 for processing the amendment filed with the instant petition.

A handwritten signature in cursive script that reads "Karen Creasy".

Karen Creasy

Petitions Examiner

Office of Petitions

Office of the Deputy Commissioner

for Patent Examination Policy

UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND

1 Date of Request: 6-14-04 2 Serial/Patent # 09/489394

3. Please refund the following fee(s):

4 PAPER
NUMBER

5 DATE
FILED

6 AMOUNT

	Filing			\$
	Amendment			\$
	Extension of Time			\$
	Notice of Appeal/Appeal			\$
	Petition		11-10-03	\$ 1330
	Issue			\$
	Cert of Correction/Terminal Disc.			\$
	Maintenance			\$
	Assignment			\$
	Other			\$

7 TOTAL AMOUNT
OF REFUND

\$ 1330

8 TO BE REFUNDED BY:

10 REASON:

Treasury Check

Overpayment

Credit Deposit A/C #:

Duplicate Payment

9 08--16411

No Fee Due (Explanation):

Ref dismissed as moot

11 REFUND REQUESTED BY:

TYPED/PRINTED NAME: Karen Creasy

TITLE: Pets, Exmr

SIGNATURE: Karen Creasy

PHONE: 305-8859

OFFICE: DAC for Patents

THIS SPACE RESERVED FOR FINANCE USE ONLY:

APPROVED: [Signature]

DATE: 6/14/04

Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to:

Office of Finance
Refund Branch
Crystal Park One, Room 802B